

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re
4921 12th Avenue LLC,

Debtor.

CASE No.: 1-19-cv-05902-AMD

Assigned to:

Judge Ann M. Donnelly

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Mark Frankel as Plan Administrator for 4921 12th Avenue,
LLC,

Plaintiff,

-against-

Ch. 11 Bankruptcy Case No.:

1-18-47256-CEC

Yehuda Salamon, David Salamon, Yidel's Shopping Cart, Inc., E-Commerce Expand, LLC, Yidel's Online Food Station, LLC, Yidels Shopping Cart, Inc. d/b/a Riverstone Group, Riverstone, USA, LLC and "John Doe No. 1 through John Doe No. 10", inclusive, the last ten names being fictitious and unknown to plaintiff, persons or parties intended being persons, corporations or others, being the current and/or former tenants or occupants of the Debtor's real property located at 4917-4921 12th Avenue, Brooklyn, New York,

Defendants.

Adv. Pro. Case No.:

1-19-01120-CEC

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ORDER OF DISMISSAL PURSUANT TO
F.R.C.P. 41(b)

WHEREAS, on September 9, 2019 Plaintiff, Mark Frankel as Plan Administrator for 4921 12th Avenue, LLC ("Plaintiff") filed an Adversary Complaint ("Adversary Complaint") in the Bankruptcy Court for the Eastern District of New York, as CM/ECF Doc No. 1 in Case No. 1-19-01120-CEC ("Adversary Action") against *inter alia*, Defendant, David Salamon ("Defendant").

WHEREAS, on November 8, 2019, Defendant filed a motion to withdraw the reference and dismiss the Adversary Complaint as CM/ECF Doc No. 12 in the Adversary Action. This motion was assigned on November 13, 2019 to this Court as Case No. 1:19-cv-05902-AMD and filed herein as CM/ECF Doc No. 1

WHEREAS, on November 25, 2019, this Court entered a Scheduling Order requiring Defendant to *inter alia*, file and serve a letter setting out the bases for the anticipated

motion by December 6, 2019. Defendant failed to comply with the deadlines in the November 25, 2019 Scheduling Order.

WHEREAS, on February 4, 2020 an Order was entered as CM/ECF Doc No. 38 in the Adversary Action, dismissing the Adversary Complaint against Defendant without prejudice, and granting Plaintiff leave to file an Amended Adversary Complaint.

WHEREAS, on February 21, 2020 Plaintiff filed an Amended Adversary Complaint (“Amended Adversary Complaint”) as CM/ECF Doc No.43 in the Adversary Action.

WHEREAS, on March 2, 2020, Defendant filed a motion to dismiss in the Amended Adversary Complaint as CM/ECF Doc No. 45 in the Adversary Action.

WHEREAS, on February 21, 2020, this Court entered an Order directing the parties to provide this Court with a status report by March 10, 2020. On March 10, 2020, Plaintiff advised this Court of Defendant’s failure to comply with the November 25, 2019 Scheduling Order, and that the Adversary Complaint was dismissed against Defendant pursuant to the February 4, 2020 Order entered as CM/ECF Doc No. 38 in the Adversary Action.

WHEREAS, on March 11, 2020 this Court entered a Scheduling Order directing the parties to submit a notice of voluntary dismissal by March 20, 2020.

NOW, THEREFORE, it is

ORDERED that this matter is dismissed, with prejudice, due Defendant’s failure comply the deadlines contained in this Court’s November 25, 2019 Scheduling Order and February 21, 2020 Order.

ORDERED that this Order shall take effect immediately.

Dated: _____
Brooklyn, New York

Honorable Ann M. Donnelly
United States District Judge